



Town of Tyngsborough
Planning Board
25 Bryants Lane,
Tyngsborough, Massachusetts 01879-1003
Office: (978) 649-2300 ext. 115

MINUTES
September 4, 2014
APPROVED

Attachments:

1. Meeting Agenda
2. Heritage Hill Application for Approval of Definitive Plan – 8/20/14
3. Ava Lane Special Permit & Definitive Plan Applications – 7/31/14
4. Application for Approval of Lots Not Subject to Subdivision Control Law Rvw. – 8/27/14
5. 50 Westford Rd. Release of Development Agreement – 5/28/11

Members Present: Steve Nocco, Chairman
Tom Delmore
Caryn DeCarteret
Jesse Johnson, David E. Ross Associates

Members Absent: Steve O'Neill
Kimberly O'Brien

7:00pm - Meeting called to order by Chairman Steve Nocco

7:02pm Definitive Subdivision Application Submission – Heritage Hill

Developer Scott Connell appeared before the Board to submit an application for a new 9 lot subdivision. The public hearing was scheduled for October 16, 2014.

7:05pm Definitive Subdivision Application Submission – Ava Lane

Developer Frank Gorman dropped off the application for a new 4 lot subdivision along with a Special Permit for an Open Space development earlier in the day with the Planning Board Administrative Assistant. The public hearing was scheduled for October 16, 2014.

**7:08pm ANR Submission – Potash Hill Rd. (M23-41, Lots 5 through 17, A):
Sycamore Networks**

Sycamore Network representatives Susan Murphy, Esq., and David Guerrero, Esq., appeared with their engineer Doug Lees to submit an ANR to create a new plan of record to replace the prior subdivision plan. The parcels are noted in Assessor's Map 21, Block 23-1, as Assessor's lot numbers 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, A, and Potash Road (extension).

Mr. Lees explained that there had been a 17-18 lot subdivision approved in 1989 which was subsequently released in March of 2011 by the Planning Board and the Board of Selectmen.

Mr. Guerrero briefed the Board on the current status of the property with regards to the Tyngsboro Commons Special Permit. Currently they are not under any agreement with Walter Eriksen and Princeton Properties for this parcel, but they are still negotiating with them and could potentially finalize something in the future. In the interim, however; Sycamore wants to clear up the ambiguity of the subdivision issue reflected in the Assessor's maps in order for them to create 3 new lots that they can market to potential buyers.

J. Johnson reviewed the plan and noted that the new lots do meet the minimum frontage and area requirements. However, he did note that Section 4.2.1.6 of the Subdivisions Rules and Regulations states requirements for the delineation of boundary lines, dimensions and area for all of the lots to which the plan reflects. This plan as submitted only indicates these criteria with "±" measurements which the Board may deem insufficient to satisfy the requirement.

C. DeCarteret indicated that she would be abstaining from comment and the vote for this application. S. Nocco notified the applicants that due to the two missing Board members at tonight's meeting, and Ms. DeCarteret's abstention, there wouldn't be the necessary voting quorum for this application. Atty. Murphy said that if the Board doesn't have the members to act on the plan, and the time goes by, then the plan would be constructively approved. The Board offered to wait until the next meeting when they would have a voting quorum if it was agreeable to them. Mr. Guerrero agreed that they would come back on September 18, 2014.

ADMINISTRATIVE

1. The August 21, 2014 minutes were not ready for approval.

7:25pm

T. Delmore: Motion to adjourn

C. DeCarteret: 2nd the motion

In Favor: 3 Opposed: 0 Absent: 2

Passes: 3-0-2

Minutes respectfully submitted by,
Pamela Berman
Planning Board Administrative Assistant